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7/29/03
Docket No.: M4065.0159/P159-B
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Li Li, et al.

Confirmation No.: 5524

Application No.: 09/939,651

Group Art Unit: 1765

Filed: August 28, 2001

Examiner: B. Tran

For: METHOD OF CONTROLLING
STRIATIONS AND CD LOSS IN
CONTACT OXIDE ETCH

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REQUEST FOR RECONSIDERATION

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Office Action mailed April 24, 2003 in the above-identified application. Reconsideration of the application is respectfully requested.

Claims 92-108 stand rejected under the nonstatutory grounds of obviousness-type double patenting as being unpatentable over Li et al., U.S. Patent No. 6,335,292 in view of Yang et al., U.S. Patent No. 6,426,016 ("Yang"). The rejection is respectfully traversed. The claims of the present application are distinct from those of the '292 patent, as acknowledged in the Office Action, and Yang is not prior art to the present application. Yang has a § 102(e) date of August 9, 1999, whereas the present application is entitled to the benefit of the April 15, 1999 filing date of the parent application. Therefore, the rejection of claims 92-108 should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Please note the Request for Acknowledgement filed May 6, 2003.
Acknowledgement of the March 26, 2003 IDS is respectfully requested.

Dated: July 24, 2003

Respectfully submitted,

By 

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